THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11146 of 2007

Dated: 25-06-2007

Between:

Lakku Venkata Krishna Reddy and others.

..... PETITIONERS

AND

The District Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11146 of 2007

ORDER:

The petitioners are allegedly owners of agricultural land in survey Nos.524-1 and 526 situated at Tatiparthi Village, Podalakur Mandal, Nellore District. Their lands are being irrigated from the water from lift irrigation from Kanupur Canal. They allege that respondents 3 and 4 constructed a bund across Obulureddy kunta situated in survey No.844, as a result of which their (petitioners') land is getting inundated. With this grievance, they submitted a representation before the District Collector on 18.11.2006 through their Advocate. As there was no response, they filed instant writ petition. They pray for a writ of Mandamus directing respondents 1 and 2 to remove the bund erected across Obulureddy kunta by duly evicting respondents 3 and 4 from the same.

After hearing the learned counsel for the petitioners, this Court is convinced that the issue raised in this writ petition is not justiciable. Whether the occupation of Obulureddy kunta by respondents 3 and 4 is the reason for them to construct a bund across Obulureddy kunta or whether such construction of bund resulted in inundation of petitioners' land are essentially matters which lack adjudicative disposition. This Court is simply not equipped to decide such issues. All these issues are matters to be enquired into by executive, which have to gather evidence for deciding the same having regard to the larger public interest than the interests of the petitioners and respondents 3 and 4. In a matter like this, the petitioners should seek redressal from first respondent. They may approach first respondent for necessary relief.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

25th June, 2007

ghn